

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNESTO VILLABLANCA, JR. and
GLORIA VILLABLANCA,
Plaintiffs,

No. 09-1187-SBA

ORDER

[Docket No. 5]

WASHINGTON MUTUAL BANK, et
al.,

Defendants.

11 This matter is before the Court on Defendants' Motion to Dismiss, filed April 6, 2009.
12 Plaintiffs filed and served a First Amended Complaint on May 19, 2009. The First Amended
13 Complaint, having preceded any responsive pleading, is proper under Fed. R. Civ. P. 15(a) and
14 effectively supersedes the prior complaint. For this reason, the Court HEREBY DENIES AS
15 MOOT the defendants' motion to dismiss and VACATES the hearing on Defendants' motion,
16 currently scheduled for June 9, 2009, at 1:00 p.m.

17 The Court's Standing Order No. 5 requires parties to meet and confer before filing any
18 motion with this court, and to certify that they have complied with this requirement. Local Civil
19 Rule 1-5(n) sets forth the definition of "meet and confer." The Court finds no record that
20 defendants complied with this requirement prior to filing their motion. The purpose of the
21 requirement is to promote judicial efficiency, economy and fairness by eliminating unnecessary
22 motion practice and promoting the resolution of uncontested matters.

24 || IT IS SO ORDERED.

26 || Dated: 5/28/09

Sandra B Armstrong

SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

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